

Message Text

LIMITED OFFICIAL USE

PAGE 01 LIMA 05079 172059Z

ACTION ARA-14

INFO OCT-01 ISO-00 L-03 EB-07 INT-05 CIAE-00 COME-00

DODE-00 DOTE-00 FMC-01 INR-07 NSAE-00 CG-00

DLOS-09 OES-07 OPIC-03 XMB-02 TRSE-00 SSO-00

INRE-00 /059 W

-----172109Z 120762 /64

O 172016Z JUN 77

FM AMEMBASSY LIMA

TO SECSTATE WASHDC IMMEDIATE 5335

LIMITED OFFICIAL USE LIMA 5079

E.O. 11652: N/A

TAGS: EIND, EFIN, EMIN, PFOR, BDIS, PE

SUBJECT: MARCONA: PROBLEMS WITH SHIPPING CONTRACT

REF: LIMA 4739

1. CONTARY TO SPIRIT OF HIGH-LEVEL CONVERSATIONS ON MARCONA REPORTED LIMA 4648 AND BRASILIA 4636 (MRS. CARTER'S VISIT).

CPV IS STILL INSISTING ON INVALIDITY OF \$1.3 MILLION "OVER-PAYMENT" CLAIM. TELEX DATED JUNE 15 UT DELIVERED TO MARCONA LIMA REP MORNING JUNE 17 FROM CPV REFUSES TO PAY \$144,000 SPOT CHARTER FEE FOR MARCONA TRADER WHICH SAILED FROM SAN NICOLAS JNAUARY 1, 1977 FOR POHANG KOREEA, BUT RATHER "DEDUCTS" THIS FEE FROM ALLEGED OVERPAYMENT.

2. IN ABSENCE GOP CHAIRMAN INTERMINISTERIAL COMMITTEE ON MARCONA (FONMIN DE LA PUENTE, WHO IS ABROAD), EMBASSY ECONOMIC/COMMERCIAL COUNSELOR DURING AFTERNOON JUNE 17 CALLED JOSE LUIS BROUSSETT, SECOND RANKING MEMBER GOP MARCONA COMMITTEE, TO EXPRESS SHOCK AND CONCERN AT UNWARRANTED PCV ACTION. E/C COUN POINTED OUT THAT AS BROUSSETT MUST RECALL THE \$2 MILLION SUM STIPULATED IN THE INTER-GOVERNMENTAL AGREEMENT FOR THE SHIPPING CONTRACT WAS ONLY AN ARBITRARY
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 LIMA 05079 172059Z

COMPREHENSIVE VALUATION. HE REMINDS BROUSSETT THAT MARCONA HAD FAITHFULLY FULFILLED THE ORIGINAL SHIPPING CONTRACT AS PART OF THE SETTLEMENT EVEN THOUGH MARCONA WAS NO LONGER IN FACT GAINING ANYTHING LIKE A DOLLAR PER TON IN COMPENSATION. THUS IT IS MOST UNJUST FOR PCV TO CLAIM ANY "OVER-PAYMENT" AND PARTICULARLY TO USE THIS UNWARRANTED CLAIM TO AVOID PAYING THE SPOT CARGO CONTRACT CHARGES ON THE MARCONA

TRADER -- A CONTRACT WHICH WAS ENTIRELY SEPERATE FROM THE CONTRACT OF AFFREIGHTMENT INCLUDED IN THE SETTLEMENT.

3. BROUSSET EXPRESSED SURPRISE AT THE PCV ACTION, AND ASKED FOR A COPY OF THE CPV MESSAGE, WHICH WAS SUPPLIED TO HIM IMMEDIATELY. HE AGREED WHOLEHEARTEDLY WITH THE E/C COUNSELOR THAT IW AS UNSEEMLY OF CPV TO INTRODUCE AN EXTRANEIOUS IISSUE INTO THE DEC 1975 SHIPPING CONTRACT PROBLEM, ESPECIALLY WHEN THAT PROBLEM WAS BEING RESOVLED BY INTER-GOVERNMENTAL CONVERSATIONS. HE PROMISED TO CALL JOSE FELIX BARANDIARAN, ACTING ENERAL MANAGER OC CPV, AND IF NECESSARY MINISTER OF TRANSPORT AND COMMUNICATIONS GE. VANINNI , TO SEEK AND EXPLANTION OF CPV ACTIONS.

4. COMMENT: BROUSSET'S SURPRISE AT CPV ACTIONS MAY WELL HAVE BEEN GENUINE, THOUGH IT SHOULD BE NOTED THAT HE APPEARS ON CPV TELEX AS AN INFO ADDRESSEE (COPY OF TELEX BEING POUCHED ARA/AND/P). SINCE MARCONA DID NOT RECEIVE TELEX UNTIL MORNNG JUNE 17 AND BROUSSET WAS REACHED A FEW HOURS THEREAFTER IT IS POSSIBLE THAT HE HAD NOT YET RECEIVED HIS COPY OF THE PCV TELEX. HOWEVER, IT IS SIGNIFICANT THAT BROUSSET DID NOT TALK IN TERMS OF AN EARLY WITHDRAWAL BY CPV OF ITS "OVERPYAMENT"CLAIM, BUT RATHER CONFINED HIS CRITICISM OF PCPV TO THE INTRODUCTION OF THE SPOT CONTRACT PAYMENT INTO THE CASE. FAILURE THUS FAR OF TOP GOP OFFICIALS TO ORDER PCV TO WITHDRAW \$1.3 MILLION CLAIM AGAINST MARCONA MAY PRESAGE FURTHER PROTRATED AND UNPLEASANT NEGOTIATIONS FOR WHICH WE SHOULD ALL BE PREPARED.

LANE
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 LIMA 05079 172059Z

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: COMPENSATION, MARINE TRANSPORTATION, CONTRACTS
Control Number: n/a
Copy: SINGLE
Sent Date: 17-Jun-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977LIMA05079
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770217-0618
Format: TEL
From: LIMA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770646/aaaabobi.tel
Line Count: 97
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 8806fc7a-c288-dd11-92da-001cc4696bcc
Office: ACTION ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 LIMA 4739
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 06-Dec-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2114638
Secure: OPEN
Status: NATIVE
Subject: MARCONA: PROBLEMS WITH SHIPPING CONTRACT
TAGS: EIND, EFIN, EMIN, PFOR, BDIS, PE
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/8806fc7a-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009